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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,117	11/14/2001	John William Richardson	PU010258	6840

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EXAMINER
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LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,117	<b>Applicant(s)</b> RICHARDSON, JOHN WILLIAM	
	<b>Examiner</b> Arrienne M. Lezak	<b>Art Unit</b> 2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, 9-16 & 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of US Patent US 6,647,411 B2 to Towell.

3. Regarding Claims 1 & 15, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, (Col. 1, lines 16-21) over an asynchronous transfer mode (ATM) network, (Col. 3, lines 51-56), comprising the steps of:

- processing a customer request, via an interface, for a digital document, (VoD), received by a server, (storing digital documents), through to a switched ATM network, (Figs. 1-3; Col. 1, lines 10-67; Col. 2, lines 1-6; Col. 3, lines 37-67; & Col. 4, lines 1-64), (Examiner notes that it would have been obvious to use an interface to enter a customer request as an interactive interface is well-known in the art as a universal user-friendly means by which individuals may enter information into a network);
- also storing digital documents in a cache located within the ATM

network, (Figs. 1-3; Col. 1, lines 10-67; Col. 2, lines 1-6; Col. 3, lines 37-67; & Col. 4, lines 1-64);

- determining whether the digital document is available in a cache system coupled to the ATM network, (Figs. 1-3; Col. 1, lines 10-67; Col. 2, lines 1-6; Col. 3, lines 37-67; & Col. 4, lines 1-64);
- if the digital document is available on the cache system, satisfying the customer request from the cache system; and otherwise, satisfying the customer request from the server, (Figs. 1-3; Col. 1, lines 10-67; Col. 2, lines 1-6; Col. 3, lines 37-67; & Col. 4, lines 1-64).

Thus, Claims 1 & 15 are found to be unpatentable over considerable consideration of the teachings of Towell.

4. Regarding Claims 2 & 19, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, wherein the customer interface unit includes a customer premise unit, which supports digital subscriber line (DSL) technology, (Col. 1, lines 4-67 & Col. 2, lines 1-6). Thus, Claims 2 & 19 are found to be unpatentable over considerable consideration of the teachings of Towell.

5. Regarding Claim 4, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, wherein a network control system is coupled to the server for checking the cache to determine if the digital document requested by a customer is stored in the cache, (Figs. 1-3; Col. 1, lines 10-67; Col. 2,

lines 1-6; Col. 3, lines 37-67; & Col. 4, lines 1-64). Thus, Claim 4 is found to be unpatentable over considerable consideration of the teachings of Towell.

6. Regarding Claims 5 & 16, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, wherein the server is configured to deliver the document to the cache and to the customer concurrently, (Col. 3, lines 37-67; Col. 4, lines 1-64; & Col. 8, lines 4-12). Thus, Claims 5 & 16 are found to be unpatentable over considerable consideration of the teachings of Towell.

7. Regarding Claim 9, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, wherein the cache is located within the switched ATM network at an edge thereof such that content stored in the cache is obtained from a closest point within the switched ATM network to the customer interface unit, (Col. 6, lines 9-11). Examiner notes that Towell discloses the location of a caching device at any point in the network, which location would obviously include placement of the caching device within close proximity to the user's location such that the content obtained therefrom would be at the closest point within the switched ATM network to the customer interface unit. Thus, Claim 9 is found to be unpatentable over considerable consideration of the teachings of Towell.

8. Regarding Claims 10 & 24, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, wherein a network control system coupled to the server manages content stored in the cache, (per pending Claim 10), by pushing content to the cache system and deleting content from the cache system, (per pending Claim 24), (Figs. 1A & 1B; Col. 3, lines 37-42; Col. 5, lines 16-18;

Col. 8, lines 35-62). Thus, Claims 10 & 24 are found to be unpatentable over considerable consideration of the teachings of Towell.

9. Regarding Claims 11, 12, 20, 22 & 23, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, (per pending Claims 11 & 20), (Col. 1, lines 16-21 & Col. 2, lines 37-47), wherein the digital documents include videos and further comprising the step of (remotely) controlling content flow of a data stream of a video from a customer location, (per pending Claims 12 & 22), by one of reversing, fast forwarding or pausing the video, (per pending Claim 23), (Col. 9, lines 50-52). Thus, Claims 11, 12, 20, 22 & 23 are found to be unpatentable over considerable consideration of the teachings of Towell.

10. Regarding Claims 13, 14 & 21, Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand, further comprising a network control system coupled to the customer interface unit and the cache to control access to content stored in the cache or on the server by customers based on user access rights and requests, (Figs 3-5; Col. 5, lines 7-67; & Cols. 6 & 7; Col. 8, lines 1-12). Thus, Claims 13, 14 & 21 are found to be unpatentable over considerable consideration of the teachings of Towell.

11. Claims 3 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of US Patent US 6,647,411 B2 to Towell in view of US Patent US 6,640,239 B1 to Gidwani. Towell is relied upon for those teachings disclosed herein.

12. Regarding Claim 3, though Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand via a telephone network,

(Col. 3, lines 47-51), Towell does not specifically note wherein the customer interface unit permits customer orders to be placed by a telephone interface. Examiner finds that a telephone interface would be obvious on a telephone network; however Examiner additionally cites Gidwani, which teaches network communication via telephone interfaces, (Gidwani - Fig. 1; Col. 20, lines, 18-67; & Col. 2, lines 1-44). It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to incorporate the Gidwani telephone interface means into the Towell telephone network, as a telephone interface is an obvious and well-known means of communication upon a telephone network, (Gidwani – Col. 21, lines 6-11 & Fig. 1). Thus, Claim 3 is found to be unpatentable over the combine teachings of Towell in view of Gidwani.

13. Regarding Claim 8, though an obvious network connection within a service like that of Towell, Towell does not specifically enumerate the use of a multiplexer for routing signals on a DSL link. Gidwani discloses the incorporation of DSLAM, (Gidwani – Col. 21, lines 40-44). Thus, Claim 8 is found to be unpatentable over the combine teachings of Towell in view of Gidwani.

14. Claims 6, 7, 10, 17, 18 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of US Patent US 6,647,411 B2 to Towell in view of US Patent US 6,640,239 B1 to Gidwani in further view of US Patent Pub. US 2002/0007402 A1 to Thomas Huston. Towell and Gidwani are relied upon for those teachings disclosed herein.

15. Regarding Claims 6, 7, 17 & 18, though Towell discloses a secured cached subscription service for providing a digital document, (video), on-demand via a

telephone network, (Col. 3, lines 47-51), Towell does not specifically note wherein document maintenance within the cache is based on an amount of time, (per pending Claims 6 & 17), or number of orders for the document, (per pending Claims 7, 17 & 18). Thomas Houston discloses a content management system with pre-fetch and time-based expiration, (Thomas Houston – paragraphs # 0055-0058), which system is capable of preferentially treating objects based on any object attribute or access statistics, (Thomas Houston – paragraphs # 0010-0019 & 0062), which attributes would obviously include number of orders for the particular object. It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to incorporate the “expiration” functionality from Thomas Huston into the Towell service for purposes of maintaining updated, refreshed content within a cache storage system of limited capacity. Thus, Claims 6, 7, 17 & 18 are found to be unpatentable over the combined teachings of Towell, Gidwani & Thomas Huston.

16. Claims 10 & 24 are further rejected over of the combined teachings of Towell in view of Thomas Huston. As noted herein, Towell discloses a network control system coupled to the server for managing content stored in the cache, (per pending Claim 10), by pushing content to the cache system and deleting content from the cache system, (per pending Claim 24), (Figs. 1A & 1B; Col. 3, lines 37-42; Col. 5, lines 16-18; Col. 8, lines 35-62). Thomas Huston also teaches automatic deletion of cache content, (Thomas Huston – paragraph # 0057). Thus, Claims 10 & 24 are further found to be unpatentable over the combined teachings of Towell, Gidwani & Thomas Huston.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
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